

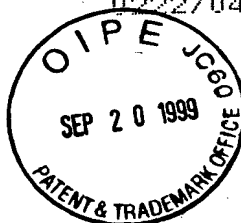


## UNITED STATES DEPARTMENT OF COMMERCE

## Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/265,585	03/10/99	BENFEY	P 5914-066

020582  
PENNIE AND EDMONDS  
1667 K STREET NW  
SUITE 1000  
WASHINGTON DC 20006

NOT ASSIGNED

DATE MAILED:

04/14/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted.**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 120.

☐ 1. The statutory basic filing fee is:

- ☐
- missing.
- 
- ☐
- insufficient.

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due:

\$ \_\_\_\_\_ for \_\_\_\_\_ total claims over 20.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☐ 3. The oath or declaration:

- ☐
- is missing or unsigned.
- 
- ☐
- does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47:

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☒ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

All Inventors  
An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.28(m)).☐ 7. Your filing receipt was mailed in error because your check was returned without payment.☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: BENFEY et al.

Application No.: 09/265,585

Filed: March 10, 1999

For: SCARECROW GENE,  
PROMOTER AND USES  
THEREOF



Group Art Unit: 1646

Examiner: To be assigned

Attorney Docket No.: 5914-066

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

**Attention: Box Missing Parts**  
Assistant Commissioner for Patents  
Washington, D.C. 20231


Sir:

In response to the Notice To File Missing Parts Of Application mailed on APRIL 14, 1999, a copy of which is enclosed, submitted herewith is the Declaration and Power of Attorney for the subject application which has been executed by the applicants, Philip N. Benfey, Laura DiLaurenzio, Joanna Wysocka-Diller, Jocelyn E. Malamy, Leonard Pysh, Yrjo Helariutta, Wesley Bruce and Jun Lim.

The fee for the submission of this Response is estimated to be \$130.00. Please charge the required fees to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date: September 20, 1999

  
Atulya R. Agarwal 40,887  
(Reg. No.)

For: Laura A. Coruzzi  
Reg. No.: 30,742

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Enclosure